IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 4464 OF 2003

Kumbhargaon Nagari Sahakari Pat Sanstha Ltd. ...Petitioner
versus
The Union of India ..... Respondent.

Office Notes, Office Memorada) Orders or directions and) Registrar's orders.)	Court's or Judge's Orders.

Shri Vijay Patil for the petitioner.
Mrs. Jyoti Pawar i/b. H.D.Rathod for Respdt no.1.

CORAM; V.G. PALSHIKAR &
D.B. BHOSALE, JJ.

DTAED; 6TH SEPT., 2005.

P.C.

1. By this petition, the petitioner seeks a direction to the respondent to pay a sum of Rs. one lakh which was due on maturity of the Kisan Vikas Patra purchased by the petitioner at the time when the scheme of Kisan Vikas Patra was floated in 1988 and society like the petitioner's society was entitled to purchase the said certificate.

2. In the year 1995, this aspect

was amended and society of the kind of the petitioner was not eligible to purchase Kisan Vikas Pathra. Yet in the year 1997 the certificate was sold to the petitioner. When the amount was not paid on maturity, qurries were made and the petitioner was informed that it being ineligible to purchase the certificate, there is no question of payment being made to the petitioner. The same stand has reiterated in reply to the main petition.

3. It is obvious from the reply filed and the rules pertaining thereto, that the mistake of selling this Kisan Vikas Patra to the petitioner was solely of the Union of India and its officers and for the mistake of its officers, the liability which can be legally acrued cannot be denied. In our opinion, a direction must be issued directing the respondent to pay a

sum of Rs. one lakh to the petitioner within a period of three months from the date of this order. If the amount is not paid within those three months, the petitioner shall be entitled to interest at the rate of 8% thereafter till realisation.

*****